

SENATE BILL 2417
By Harper

AN ACT to amend Tennessee Code Annotated, Section 39-14-202, relative to cruelty to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-202, is amended by deleting the section in its entirety and by substituting instead the following:

Section 39-14-202. (a)(1) A person commits simple cruelty who intentionally or knowingly:

- (A) Tortures, maims or grossly overworks an animal;
- (B) Fails unreasonably to provide necessary food, water, basic veterinary care or shelter for an animal in the person's custody;
- (C) Abandons unreasonably an animal in the person's custody;
- (D) Transports or confines an animal in a cruel manner; or
- (E) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

(2) A person commits aggravated cruelty who intentionally or knowingly commits an act of abject cruelty, or omission of simple needs which results in the needless suffering or permanent damage, including death, of an animal.

(b) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.

(c) Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person incurring the same of the owners of the animal in an action therefor.

(d) In addition to the penalty imposed in subsection (f), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.

(e)(1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of such animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal.

(2) It is an offense for a person other than an officer, agent or member of a society described in § 39-14-210 to knowingly interfere with the performance of any such agricultural practices permitted by subdivision (e)(1).

(f) A violation of subdivision (e)(2) is a Class B misdemeanor.

(g) A violation of subdivision (a)(1) is a Class C misdemeanor.

(h) A violation of subdivision (a)(2) is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

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